

# DECLARATION AND POWER OF ATTORNEY

As a below named inventor, I declare that:

My residence, post office address and citizenship are as stated below next to my name; I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural inventors are named below) of the subject matter which is claimed and for which a patent is sought on the invention entitled: **METHOD OF INDUCING CELL-MEDIATED PROTECTIVE IMMUNITY AGAINST HIV USING LOW DOSES OF IMMUNOGENS** the specification of which    is attached hereto or X was filed on May 27, 1994 as Application Serial No. 08/250,417 and was amended on    (if applicable).

I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above. I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, Section 1.56. I claim foreign priority benefits under Title 35, United States Code, Section 119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed.

## Prior Foreign Application(s)

Country	Application No.	Date of Filing	Priority Claimed Under 35 USC 119	
			Yes	No
			Yes	No

I claim the benefit under Title 35, United States Code, Section 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, Section 112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, Section 1.56 which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

Application Serial No.	Date of Filing	Status		
		Patented	Pending	Abandoned
		Patented	Pending	Abandoned
		Patented	Pending	Abandoned

**POWER OF ATTORNEY:** As a named inventor, I hereby appoint the following attorney(s) and/or agent(s) of the Government of the United States of America as represented by the Secretary of the Department of Health and Human Services, Office of Technology Transfer, to prosecute this application and transact all business in the Patent and Trademark Office connected therewith.

Robert Benson, Reg. No. 33,612  
Arthur J. Cohn, Reg. No. 37,800  
James C. Haight, Reg. No. 25,588

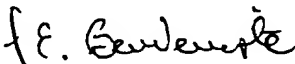

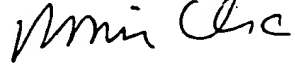
Ann S. Hobbs, Reg. No. 36,830  
Laurence J. Hyman, Reg. No. 35,551  
Gloria H. Richmond, Reg. No. 30,416

Susan S. Rucker, Reg. No. 35,762  
David R. Sadowski, Reg. No. 32,808  
Jack Spiegel, Reg. No. 34,477  
Kathleen Sybert, Reg. No. 35,378

<p>Send Correspondence to Appointed Associate Attorney or Agent Address: Guy W. Chambers TOWNSEND and TOWNSEND KHOURIE and CREW 20th Floor, Steuart Street Tower One Market Plaza San Francisco, CA 94105</p>	<p>Direct Telephone Calls and Facsimiles to Appointed Associate Attorney or Agent:  Name: Guy W. Chambers Reg. No. 30,617 Telephone: 415-543-9600 Fax: 415-543-5043</p>
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Full Name of Inventor 1	Last Name Benveniste	First Name Raoul	Middle Name or Initial E.	
Residence & Citizenship	City Bethesda	State/Foreign Country Maryland	Country of Citizenship United States of America	
Post Office Address	Post Office Address 5002 Newport Avenue	City Bethesda	State/Country Maryland	Zip Cod 20816
Full Name of Inventor 2	Last Name Shearer	First Name Gene	Middle Name or Initial M.	
Residence & Citizenship	City Bethesda	State/Foreign Country Maryland	Country of Citizenship United States of America	
Post Office Address	Post Office Address 5512 Glenwood Road	City Bethesda	State/Country Maryland	Zip Code 20817
Full Name of Inventor 3	Last Name Clerici	First Name Mario	Middle Name or Initial S.	
Residence & Citizenship	City Rockville	State/Foreign Country Maryland	Country of Citizenship Italy	
Post Office Address	Post Office Address 10201 Grosvenor Place, #108	City Rockville	State/Country Maryland	Zip Cod 20852

I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Title 18 of the United States Code, Section 1001 and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Signature of Inventor 1 	Signature of Inventor 2 	Signature of Inventor 3 
Ra ul E. Benveniste	Gene M. Shearer	Mario S. Clerici
Date 8/23/94	Date 8/8/94	Date 8-8-1994

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:	)	Examiner:
	)	
Raoul E. Benveniste, et al.	)	Art Unit:
	)	
Serial No.: 08/250,417	)	<u>APPOINTMENT OF ASSOCIATE</u>
	)	<u>ATTORNEYS AND AGENTS BY</u>
Filed: May 27, 1994	)	<u>PRINCIPAL ATTORNEY OR AGENT</u>
	)	<u>UNDER 37 CFR \$1.34(b) AND MPEP</u>
For: METHOD OF INDUCING CELL-	)	<u>402.02</u>
MEDIATED PROTECTIVE	)	
IMMUNITY AGAINST HIV USING	)	
LOW DOSES OF IMMUNOGENS	)	

Commissioner of Patents and Trademarks  
Washington, D.C. 20231

Sir:

Under 37 CFR \$1.34(b) and MPEP 402.02, the undersigned principal attorney or agent of record hereby appoints the following representatives from the law firm of TOWNSEND and TOWNSEND KHOURIE and CREW, 20th Floor Steuart Street Tower, One Market Plaza, San Francisco, California 94105-1492, telephone: (415) 543-9600, as associate attorneys and/or patent agents in this application with full powers to prosecute this case and to transact all business in the Patent and Trademark Office connected therewith:

Philip H. Albert, Reg. No. 35,819  
Randolph T. Apple, Reg. No. 36,429  
Kevin L. Bastian, Reg. No. 34,774  
Guy Chambers, Reg. No. 30,617  
Karen B. Dow, Reg. No. 29,684  
Tracy J. Dunn, Reg. No. 34,587  
James F. Hann, Reg. No. 29,719  
M. Henry Heines, Reg. No. 28,219  
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J. Steven Whitaker, Reg. No. 36,963  
Michael E. Woods, Reg. No. 33,466

Dated: August 30, 1994

Respectfully submitted,

United States Department of Health  
and Human Services

By Robert Benson  
Robert Benson

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Office of Technology Transfer  
National Institutes of Health  
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Bethesda, MD 20892  
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09769223-012401



DATE: 10/31/94  
TO:

N03A

TOWNSEND AND TOWNSEND KHOURIE AND CREW  
GUY W. CHAMBERS  
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ONE MARKET PLAZA  
SAN FRANCISCO, CA 94105-1492

015280-619600US  
UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office  
ASSISTANT SECRETARY AND COMMISSIONER  
OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231  
KAW

CORRECTED  
NOTICE



UNITED STATES PATENT AND TRADEMARK OFFICE  
NOTICE OF RECORDATION OF ASSIGNMENT DOCUMENT

THE ENCLOSED DOCUMENT HAS BEEN RECORDED BY THE ASSIGNMENT BRANCH OF THE U.S. PATENT AND TRADEMARK OFFICE. A COMPLETE MICROFILM COPY IS AVAILABLE AT THE U.S. PATENT AND TRADEMARK OFFICE ON THE REEL AND FRAME NUMBER REFERENCED BELOW.

PLEASE REVIEW ALL INFORMATION CONTAINED ON THIS NOTICE. THE INFORMATION CONTAINED ON THIS RECORDATION NOTICE REFLECTS THE DATA PRESENT IN THE PATENT ASSIGNMENT PROCESSING SYSTEM. IF YOU SHOULD FIND ANY ERRORS OR QUESTIONS CONCERNING THIS NOTICE, YOU MAY CONTACT THE EMPLOYEE WHOSE NAME APPEARS ON THIS NOTICE AT 703-308-9723. PLEASE SEND REQUEST FOR CORRECTION TO: U.S. PATENT AND TRADEMARK OFFICE, ASSIGNMENT BRANCH, NORTH TOWER BUILDING, SUITE 10C35, WASHINGTON, D.C. 20231

ASSIGNOR:

BENVENISTE, RAOUL E.

DOC DATE: 08/23/94

ASSIGNOR:

SHEARER, GENE M.

DOC DATE: 08/08/94

ASSIGNOR:

CLERICI, MARIO C.

DOC DATE: 08/08/94

RECORDATION DATE: 09/06/94 NUMBER OF PAGES 006 REEL/FRAME 7118/0520

DIGEST : ASSIGNMENT OF ASSIGNORS INTEREST

ASSIGNEE:

UNITED STATES OF AMERICA, THE, AS REPRESENTED BY THE  
SECRETARY OF THE DEPARTMENT OF HEALTH AND HUMAN SERVICES  
NATIONAL INSTITUTES OF HEALTH  
OFFICE OF TECHNOLOGY TRANSFER  
6011 EXECUTIVE BOULEVARD, SUITE 325  
ROCKVILLE, MD 20852

SERIAL NUMBER 8-250417  
PATENT NUMBER

FILING DATE 05/27/94  
ISSUE DATE 00/00/00

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TOWNSEND & TOWNSEND  
KHOURIE & CREW

Nicole Scott  
EXAMINER/PARALEGAL

ASSIGNMENT BRANCH

ASSIGNMENT/CERTIFICATION SERVICES DIVISION

ASSIGNMENT

JOINT

WHEREAS, We, RAOUL E. BENVENISTE, a citizen of the United States, residing at 5002 Newport Avenue, Bethesda, Maryland 20816, GENE M. SHEARER, a citizen of the United States, residing at 5512 Glenwood Road, Bethesda, Maryland 20817, and MARIO S. CLERICI, a citizen of Italy, residing at 10201 Grosvenor Place #108, Rockville, Maryland 20852, employees of the Department of Health and Human Services at the time the invention was made, have invented (title of invention): **METHOD OF INDUCING CELL-MEDIATED PROTECTIVE IMMUNITY AGAINST HIV USING LOW DOSES OF IMMUNOGENS**, for which an application to the Commissioner of Patents and Trademarks for grant of Letters Patents of the United States of America has been executed by the undersigned

X on: August 8 and 23, 1994

is identified as U.S. Patent Application:  
Serial No. 08/250,417

Filed May 27, 1994; and

WHEREAS, the conditions under which said invention was made are such as to entitle the Government of the United States of America under Paragraph 1(a) of Executive Order 10096, to the entire right, title, and interest herein, both domestic and foreign; and

WHEREAS, the Government of the United States of America is desirous of acquiring all domestic and foreign right, title, and interest in the aforesaid invention described in the aforesaid application for Letters Patent of the United States of America; and

NOW, THEREFORE, to all whom it may concern, be it known that for and in consideration of the premises and other valuable considerations, we the undersigned, have sold, assigned, and transferred and by these presents do sell, assign, and transfer unto The Government of the United States of America as represented by the Secretary of the Department of Health and Human Services (hereinafter THE GOVERNMENT), and his successors, the full and exclusive right, title, and interest throughout the United States of America, its territories and dependencies, and within each and every foreign country in

REF 7 1 1 8 FRAMES 2 1

which THE GOVERNMENT elects to file the invention described in the aforesaid application for Letters Patent of the United States of America, and all Letters Patents and Registrations which may be granted on the same in the United States of America and all countries throughout the world, and to claim the priority from the application as provided by the Paris Convention, or of any division, renewal, continuation in whole or in part, substitution, conversion, reissue, prolongation or extension thereof.

AND, we hereby authorize and request the Commissioner of Patents to issue said Letters Patent to THE GOVERNMENT as assignee of the entire right, title, and interest in and to the same throughout the United States of America, its territories and dependencies, and within each and every foreign country in which THE GOVERNMENT elects to file, for the sole use for the full term or terms for which said Letters Patent and Registrations may be granted thereon, or of any division, renewal, continuation in whole or in part, substitution, conversion, reissue, prolongation or extension thereof which may be granted as fully and entirely as the same would have been held by us, had this assignment not been made;

AND, we hereby warrant that there are no outstanding assignments, grants, liens, encumbrances, or agreements either written, oral, or implied with respect to the aforesaid application for Letters Patent which will impair, diminish, limit, or abridge the interest herein conveyed at the time of the execution of this instrument by us;

AND, we hereby agree to execute any and all applications for Letters Patent in the United States of America and foreign countries, and to furnish and deliver to the Secretary, Department of Health and Human Services, upon request, all data and documents, and to execute any papers which may be necessary for the prosecution of any application or applications of Letters Patent or for THE GOVERNMENT to exercise its rights granted hereunder, including communicating to THE GOVERNMENT, its representatives or agents, any facts relating to said invention, including evidence for interference purposes, or for other proceedings, whenever requested, to testify in any interference or other proceedings, whenever requested, and to execute and deliver on request all lawful papers required to make any of the foregoing provisions effective, and likewise make these provisions binding upon our heirs, legal representatives, administrators and assigns, and we shall assist THE GOVERNMENT in every way as may be requested in protecting said invention, provided that any expense of extending such assistance shall be paid by THE GOVERNMENT.

The undersigned hereby grants THE GOVERNMENT or the law firm of Townsend and Townsend Kourie and Crew, the power to insert on this Assignment any further identification which may be necessary or desirable in order to comply with the rules of the United States Patent and Trademark Office for recordation of this document.

IN TESTIMONY WHEREOF, Assignors have signed their names on the dates indicated.

Raoul Benveniste  
RAOUL E. BENVENISTE

8.23.94  
(Date)

Gene M. Shearer  
GENE M. SHEARER

8-8-94  
(Date)

Mario S. Clerici  
MARIO S. CLERICI

8-8-1994  
(Date)

REEL 118 FRAME 523

STATE OF Maryland )  
COUNTY OF Frederick )

UNITED STATES OF AMERICA

On 8/23/94, before me, Wanda K. Shock (here insert name and title of the officer), personally appeared Raoul E. Benveniste, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, execute the instrument.

WITNESS my hand and official seal.

Signature Wanda K. Shock  
My Commission Expires 10-1-94

(Seal)

STATE OF Maryland )  
COUNTY OF Montgomery )

UNITED STATES OF AMERICA

On 8/8/94, before me, Susan C. LaRoche (here insert name and title of the officer), personally appeared Gene M. Shearer, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, execute the instrument.

WITNESS my hand and official seal.

Signature Susan C. LaRoche

(Seal)

SUSAN C. LAROCHE  
NOTARY PUBLIC STATE OF MARYLAND  
My Commission Expires August 1, 1997

REEL 7118 FRAMES 24

STATE OF Maryland,  
COUNTY OF Montgomery

UNITED STATES OF AMERICA

On 8/8/94, before me, SUSAN C. LaRoche (here insert name and title of the officer), personally appeared Mario S. Clerici, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

Signature Susan C. LaRoche

(Seal)

SUSAN C. LAROCHE  
NOTARY PUBLIC STATE OF MARYLAND  
My Commission Expires August 1, 1997

NIH196ASSIGN

REEL 7118 FRAMES 23

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